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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 09-00720 RMW
Plaintiff,) STIPULATION AND []
v.) ORDER CONTINUING THE STATUS
SHENG QIANG,) CONFERENCE FROM FEBRUARY 22,
Defendant.) 2011 TO APRIL 18, 2011 AND
EXCLUDING TIME FROM FEBRUARY
22, 2011 TO APRIL 18, 2011

The parties hereby request that the Court enter this order continuing the status conference from February 22, 2011 to April 18, 2011, and excluding time from February 22, 2011 to April 18, 2011. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from February 22, 2011 to April 18, 2011 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, additional motions are appropriate. In addition, the government requires additional time to conduct a handwriting test of defendant. Moreover, this case has been reassigned to new government counsel who needs additional time to become familiar with the facts of the case to discuss it meaningfully with defense counsel. Further, government

STIP & [] ORDER
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1 counsel will be unavailable the week of February 21, 2011 due to a family medical situation.

2 Therefore, for effective preparation of defense counsel, the parties agree that the status
3 conference currently scheduled for February 22, 2011 should be continued to April 18, 2011 at 9
4 a.m.

5 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
6 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
7 effective preparation of the defense and continuity of defense counsel; believes the exclusion is
8 in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial
9 Act, 18 U.S.C. § 3161, should be for the period from February 22, 2011 to April 18, 2011.

10 Given these circumstances, the parties believe, and request that the Court find, that the
11 ends of justice are served by excluding from calculations the period from February 22, 2011 to
12 April 18, 2011 outweigh the best interests of the public and the defendant in a speedy trial under
13 the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

14 IT IS SO STIPULATED.

15 DATED: 1/31/11

/s/ Paul Meltzer _____
PAUL MELTZER
Attorney for Defendant

18 DATED: 1/31/11

/s/ Hanley Chew _____
HANLEY CHEW
Assistant United States Attorney
Attorney for Plaintiff

21 **[] ORDER**

22 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
23 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
24 U.S.C. § 3161, from February 22, 2011 to April 18, 2011, based on the need for the defense
25 counsel to investigate further the facts of the present case, review the discovery that the
26 government has already provided and will provide and evaluate further possible defenses and
27 motions available to the defendant; (2) the exclusion of time is necessary for effective
28 preparation of the defense and continuity of counsel and is in the defendant's best interests; and

1 (3) the ends of justice are served by excluding from Speedy Trial calculations the period from
2 February 22, 2011 to April 18, 2011.

3 Accordingly, the Court further orders that (1) the status conference currently scheduled
4 for February 22, 2011 is vacated and that the next appearance date before this Court is scheduled
5 for April 18, 2011 at 9:00 a.m.; and (2) the time from February 22, 2011 to April 18, 2011 is
6 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

7
8 IT IS SO ORDERED.

9 DATED: 2/16/11

Ronald M. Whyte
10 THE HONORABLE RONALD M. WHYTE
United States District Court Judge